

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case

10-CA-118894

Date Filed

12/13/13

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Our Faith Management Inc. d/b/a McDonald's &
McDonald's Corp. as Joint and Single Employers

b. Tel. No. (631) 547-6002

c. Cell No.

f. Fax No.

d. Address (Street, city, state, and ZIP code)

315 Walt Whitman Road, Suite 208
Huntington Station, NY 11746 &
2111 McDonald's Drive Oak Brook, IL 60523

e. Employer Representative

(b) (6), (b) (7)(C)

g. e-Mail

h. Number of workers employed
Over 440,000

i. Type of Establishment (factory, mine, wholesaler, etc.)

j. Identify principal product or service

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (first subsections) 8(a)(1) and 8(a)(3) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about (b) (6), (b) (7)(C), 2013, employer through (b) (6), (b) (7)(C), interfered with, coerced, and restrained employees in the exercise of their rights guaranteed by the NLRA by interrogating employees about their union support and participation in protected strike activity.

On or about (b) (6), (b) (7)(C) 2013, employer, through (b) (6), (b) (7)(C), retaliated against former employee (b) (6), (b) (7)(C) on account of (b) (6) union support by forcing (b) (6) to sign a warning and constructively terminating (b) (6) employment through intimidation.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Carolina Workers Organizing Committee

4a. Address (Street and number, city, state, and ZIP code)

324 S. Wilmington St, #207
Raleigh, NC 27601

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By



Lauren Bonds-Attorney

(Print name and title or office, if any)

Tel. No.

(202) 730-749

Office, if any, Cell No.

(202) 251-6699

Fax No.

e-Mail

lauren.bonds@seiu.org

Address 1800 Massachusetts Ave, NW Washington DC 20002

12/13/13

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlr.gov
Telephone: (336)631-5201
Fax: (336)631-5210

December 13, 2013

(b) (6), (b) (7)(C)

OUR FAITH MANAGEMENT INC. d/b/a MCDONALD'S
& MCDONALD'S CORP. AS JOINT AND SINGLE EMPLOYERS
315 WALT WHITMAN ROAD, SUITE 208
HUNTINGTON STATION, NY 11746

(b) (6), (b) (7)(C)

OUR FAITH MANAGEMENT INC. d/b/a MCDONALD'S &
MCDONALD'S CORP. AS JOINT AND SINGLE EMPLOYERS
2111 MCDOANLD'S DRIVE
OAK BROOK, IL 60523

Re: OUR FAITH MANAGEMENT INC. d/b/a
MCDONALD'S & MCDONALD'S CORP.
AS JOINT AND SINGLE EMPLOYERS
Case 10-CA-118894

Dear (b) (6), (b) (7)(C) :

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner BRENT L. KENSEY whose telephone number is (336)631-5234. If this Board agent is not available, you may contact Supervisory Attorney SHANNON R. MEARES whose telephone number is (336)631-5230.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

December 13, 2013

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.** Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB

OUR FAITH MANAGEMENT INC. d/b/a - 3 -
MCDONALD'S & MCDONALD'S CORP.
AS JOINT AND SINGLE EMPLOYERS
Case 10-CA-118894

December 13, 2013

office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MARY L. BULLS
Acting Regional Director

By:

A handwritten signature in black ink that reads "Jane P. North". The signature is written in a cursive, flowing style.

JANE P. NORTH
Officer in Charge

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAMEOUR FAITH MANAGEMENT INC. d/b/a MCDONALD'S & MCDONALD'S CORP. AS JOINT
AND SINGLE EMPLOYERS**CASE NUMBER**

10-CA-118894

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**OUR FAITH MANAGEMENT INC. D/B/A
MCDONALD'S & MCDONALD'S CORP. AS
JOINT AND SINGLE EMPLOYERS**

Charged Party

and

**CAROLINA WORKERS ORGANIZING
COMMITTEE**

Charging Party

Case 10-CA-118894

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on December 13, 2013, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

OUR FAITH MANAGEMENT INC. d/b/a
MCDONALD'S & MCDONALD'S CORP.
AS JOINT AND SINGLE EMPLOYERS
315 WALT WHITMAN ROAD, SUITE 208
HUNTINGTON STATION, NY 11746

(b) (6), (b) (7)(C)

OUR FAITH MANAGEMENT INC. d/b/a
MCDONALD'S & MCDONALD'S CORP.
AS JOINT AND SINGLE EMPLOYERS
2111 MCDOANLD'S DRIVE
OAK BROOK, IL 60523

December 13, 2013

Date

Jane P. North, Designated Agent of NLRB

Name

/s/ Jane P. North

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210

December 13, 2013

LAUREN BONDS, ESQ.
1800 MASSACHUSETTS AVENUE, NW
WASHINGTON, DC 20036

Re: OUR FAITH MANAGEMENT INC. d/b/a
MCDONALD'S & MCDONALD'S CORP.
AS JOINT AND SINGLE EMPLOYERS
Case 10-CA-118894

Dear Ms. Bonds:

The charge that you filed in this case on December 13, 2013 has been docketed as case number 10-CA-118894. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner BRENT L. KENSEY whose telephone number is (336)631-5234. If the Board agent is not available, you may contact Supervisory Attorney SHANNON R. MEARES whose telephone number is (336)631-5230.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

December 13, 2013

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MARY L. BULLS
Acting Regional Director

By: 

JANE P. NORTH
Officer in Charge

cc: CAROLINA WORKERS ORGANIZING COMMITTEE
324 S. WILMINGTON #207
RALEIGH, NC 27601

2-26-13

To: FLE

From: JCBJ

Subject: Strike Notice

On the morning of the strike, union officials went to each of the strike locations, including the location where

(b) (6), (b) (7)(C)

worked and notified the employer that certain employees would be participating in a strike. The notice was given on

(b) (6), (b) (7)(C)

2013. The Union gave the employer a list of names with

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

names on it on the morning of 2013.

(b) (6), (b) (7)(C)

The information was provided by

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

YES! I will join fast food workers across the country and go

Fast food workers in over 60 cities, from east to west and north to south, are building a movement to win a living wage of \$15/hour and the right to form a union without retaliation. I am signing this petition because I am fed up with making poverty wages while the industry I work for makes billions in profits. Fast food workers are going ON STRIKE to demand a \$15 wage and the right to form a union without retaliation.

Name (b) (6), (b) (7)(C) Employer Phone # Date

(b) (6), (b) (7)(C)

McDonald'sBurgerkingBojanglesMcDonaldsMcDonaldsBurger KingBurger KingBulger King

(b) (6), (b) (7)(C)

I'm Willing To Do

Whatever It Takes To Win

\$15/Hour And a Union

I have decided to unite with my co-workers in order to make improvements for both our families and ourselves. I hereby authorize Carolina Workers Organizing Committee as my collective bargaining agent. I authorize Carolina Workers Organizing Committee to negotiate over wages, hours and working conditions without the necessity of a representation election if my employer voluntarily recognizes Carolina Workers Organizing Committee.

NAME

ADDRESS

CITY:

EMPLOYER:

SHIFT:

JOB TITLE:

PHONE

SIGNATURE:

DATE:

17414M7.9.13

☐ Check box to receive text updates

Brown Jr., Jasper C.

From: Lauren Bonds [lauren.bonds@seiu.org]
Sent: Tuesday, December 24, 2013 12:16 PM
To: Brown Jr., Jasper C.
Subject: Additional Facts in Support of Our Faith Management Corporation Charge
Attachments: Additional Facts in Support of Our Faith Managment Corp. Charge.docx

Hi Jasper,

I have attached factual and legal support for the charge against Our Faith Management Corporation d/b/a/ McDonald's. I apologize for not providing the case number, I am working remotely and did not have it with me. Let me know if you have any questions. Happy Holidays!

Best,

Lauren

--

Lauren Bonds
Law Fellow
Service Employees International Union

Additional Information in Support of Charge
Our Faith Management Corporation d/b/a McDonald's
-CA-

Tentative Facts Relevant to Constructive Discharge

(b) (6), (b) (7)(C) worked at Our Faith Management Corporation d/b/a McDonald's located on 3424 Poole Road in Raleigh, NC.

(b) (6), (b) (7)(C) is a member of the Carolina Workers Organizing Committee and went on strike on (b) (6), (b) (7)(C) 2013. (b) (5)

CWOC informed (b) (6), (b) (7)(C) of (b) (6), (b) (7)(C) participation in the strike by delivering a strike notice. (b) (6), (b) (7)(C) did not retaliate.

(b) (6), (b) (7)(C) replaced (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C).

On (b) (6), (b) (7)(C) 2013, fast food workers across the country engaged in a second nationwide strike (b) (6), (b) (7)(C) workers at 3424 Poole Road McDonald's walked off their shift.

(b) (6), (b) (7)(C) had to (b) (6), (b) (7)(C) to go to a meeting with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Because (b) (6), (b) (7)(C) had went on strike in (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) did not believe that (b) (6), (b) (7)(C) was lying about (b) (6), (b) (7)(C) in order to go on strike.

(b) (6), (b) (7)(C) angrily asked why (b) (6), (b) (7)(C) had gone on strike in (b) (6), (b) (7)(C) and interrogated (b) (6), (b) (7)(C) for several minutes about whether (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C) to go on strike.

On (b) (6), (b) (7)(C) 2013, (b) (6), (b) (7)(C) was called into (b) (6), (b) (7)(C) at the end of (b) (6), (b) (7)(C) shift. (b) (5), (b) (6), (b) (7)(C)

Both (b) (6), (b) (7)(C) and the (b) (6), (b) (7)(C) were present.

(b) (6), (b) (7)(C) accused (b) (6), (b) (7)(C) of "not doing a good job." Specifically, that (b) (6), (b) (7)(C) was gazing at the menu when (b) (6), (b) (7)(C) was supposed to be working.

- (b) (6), (b) (7)(C) disputed both accusations and asserted that they did not make any sense.
- (b) (6), (b) (7)(C) issued (b) (6), (b) (7)(C) a written warning and demanded that (b) (6), (b) (7)(C) sign the document.
- (b) (6), (b) (7)(C) continued to pressure (b) (6), (b) (7)(C) for several minutes until (b) (6), (b) (7)(C) signed the warning.
- After the incident, (b) (6), (b) (7)(C) resigned because (b) (6), (b) (7)(C) felt that (b) (6), (b) (7)(C) would continue to be singled out for harassment and unjustified discipline if (b) (6), (b) (7)(C) did abandoned (b) (6), (b) (7)(C) support for CWOC.
- A week after (b) (6), (b) (7)(C) resigned, (b) (6), (b) (7)(C) friend informed (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) "had been trying to get rid of (b) (6), (b) (7)(C)

Law in Support of Constructive Discharge Claim

To show constructive discharge in violation of Section 8(a)(3) of the Act, an employee must show that: (1) working conditions were so intolerable that a reasonable employee would feel compelled to resign; (2) employer intended to create the conditions; and (3) employer created the conditions on account of the employee's union activity. *Grocers Supply Co.*, 294 NLRB 438, 439 (1989). The Board has held that an employee's voluntary resignation satisfies the test and constitutes constructive discharge when an employee is unlawfully forced to choose between losing their job and giving up their

section 7 rights. See *Superior Sprinkler Inc.*, 227 NLRB 204, 210 (1976). In *Intercon I*, the Board found that pretextual discipline amounted to an unlawful ultimatum prohibited by the Act because the employer's conduct led the employee "to reasonably believe that continuing to support the Union and continuing her employment were incompatible." *Intercon I*, 333 NLRB 233, 224 (2001). The employer confronted the employee about her union organizing activities and issued a disciplinary warning for "poor work quality and a negative attitude" informing her that she needed to improve or face termination. *Id.* Because the reasons for discipline were pretextual and escalating discipline was promised, the Board found that the employee was clearly and unequivocally given the choice of foregoing her union activity or being terminated. *Id.*

Like the employee in *Intercon I*, (b) (6), (b) (7)(C) was given the choice between abandoning (b) (6), (b) (7)(C) Section 7 rights and keeping (b) (6), (b) (7)(C) job. (b) (6), (b) (7)(C) will provide testimony that the reason for the disciplinary warning was a pretext. (b) (6), (b) (7)(C) will also provide facts demonstrating that a reasonable employee would view the (b) (6), (b) (7)(C) meeting as an unlawful ultimatum. Moreover, (b) (6), (b) (7)(C) will explain the warning system at Our Faith Management Corporation McDonald's stores and how termination is the ultimate disciplinary action if employees do not fix their alleged shortcomings.


Alternatively, (b) (6), (b) (7)(C) will provide testimony on (b) (6), (b) (7)(C) that the (b) (6), (b) (7)(C) interrogation and (b) (6), (b) (7)(C) meeting were so severe that a reasonable employee would feel compelled to resign.

From: [Meares, Shannon R.](#)
To: [Brown Jr., Jasper C.](#)
Subject: Our Faith d/b/a McDonalds (10-CA- 118894) - 10j meeting
Date: Tuesday, January 14, 2014 5:43:00 AM

Jasper:

Per our discussion yesterday, I am sending you this email to confirm our discussion of 10j in the above case. In this regard, yesterday we met and discussed the status of your investigation. (b) (5), (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)



This email will constitute the required memo noting our discussion of 10j, given that I was Acting OIC yesterday. I will upload this email into Nxgen.

Thanks!

Shannon R. Meares, Supervisory Attorney
National Labor Relations Board
Subregion 11
4035 University Parkway, Suite 200
P.O. Box 11467
Winston-Salem, NC 27116-1467
(Office) 336.631.5230 (Fax) 336.631.5210

From: [Meares, Shannon R.](#)
To: [Brown Jr., Jasper C.](#)
Cc: [North, Jane P.](#)
Subject: MCD's (10-CA-118894) Travel
Date: Friday, January 17, 2014 1:33:00 PM

Jasper:

This will confirm that Jane has approved you to travel next week to seek out employee (b) (6), (b) (7)(C) as Penny has been unable to find an address and the witness has not returned your calls.

Shannon R. Meares, Supervisory Attorney
National Labor Relations Board
Subregion 11
4035 University Parkway, Suite 200
P.O. Box 11467
Winston-Salem, NC 27116-1467
(Office) 336.631.5230 (Fax) 336.631.5210

**Carolina Workers Organizing Committee
324 S Wilmington St #207
Raleigh, NC 27601**

Delivered by Hand

EMPLOYER NAME / ADDRESS: McDonalds (b) (6), (b) (7)(C) 3424 POOLE RD-RALEIGH-NC-27610

(b) (6), (b) (7)(C) 2013


Attention management and ownership of this restaurant

This is to notify you that today (b) (6), (b) (7)(C) 2013 we're going on strike for one day to demand a \$15 an hour wage, for the right to join a union without intimidation, and to protest interference with our protected workplace rights. This is a lawful, peaceful, one day strike. We will return to work unconditionally for our next scheduled shift starting after 12:01am on (b) (6), (b) (7)(C). You are prohibited by federal law from firing, discriminating, or retaliating against us for fighting together to improve our jobs and to safeguard our rights.

We are sick of making poverty wages and living on food stamps, in shelters, on family's couches and not being able to provide for our children as hard as we work.

Print Name

(b) (6), (b) (7)(C)



Carolina Workers Organizing Committee
 324 S Wilmington St #207
 Raleigh, NC 27601

Delivered by email

EMPLOYER NAME / ADDRESS: McDonald's (b) (6), (b) (7)(C) 2 POOL RD RALEIGH NC 27610

(b) (6), (b) (7)(C)
 013

Attention management and ownership of this restaurant

(b) (6), (b) (7)(C)

This is to notify you that today (b) (6), (b) (7)(C) we are going on strike for one day to demand \$15 an hour wage, for the right to join a union without intimidation and to protect our benefits with our protected work place rights. This is a lawful, peaceful, one day strike. We will return to work unconditionally for our next scheduled shift starting after 12:00 PM on (b) (6), (b) (7)(C) under no circumstances will we be retaliated against for fighting together to improve our lives and to safeguard our rights.

We are sick of making poverty wages and living on food stamps, we make it so our family's struggle and being able to provide for our children a hard day's work.

1-27-14

To: File, McDonald's

From: JCB Jr

Subject: Discussion with (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

On the day I had a telephone discussion with (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

concerning the Union's letter to McDonald's dated

(b) (6), (b) (7)(C)

2013. The letter

(b) (6), (b) (7)(C)

listed the names of employees who were expected to participate in the strike on

(b) (6), (b) (7)(C)

including the names

(b) (6), (b) (7)(C)

1. On (b) (6), (b) (7)(C)

2013

(b) (6),
(b) (7)(C)


hand-delivered the letter to a manager over the Poole Road facility.

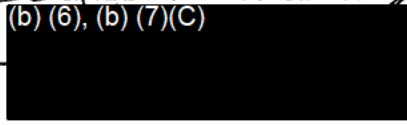
(b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

2. The union conducted a strike at several Raleigh area fast food facilities, but they did not strike at the Poole Road facility.

(b) (5), (b) (6), (b) (7)(C)



4. Lorain Bond Union Atty. informed me that she would check to see if the union similarly notified the employees as to employees who participated in the strike.  2013

From: [Meares, Shannon R.](#)
To: [Brown Jr., Jasper C.](#)
Cc: [North, Jane P.](#)
Date: Tuesday, February 4, 2014 2:20:00 PM

Jasper:

Per our conversation earlier today, I spoke with Jane (as our travel coordinator) and while we normally do supplemental affidavits via telephone, we are authorizing you to travel to Raleigh to meet with the discriminatee, as (b) (6), (b) (7)(C) and will require (b) (6), (b) (7)(C). If you need to meet with or do any other additional follow up with witnesses, please do so this week. As we discussed, I know you intend to try and catch up with at least one witness when you go to Raleigh.

Happy travels.

Shannon R. Meares, Supervisory Attorney
National Labor Relations Board
Subregion 11
4035 University Parkway, Suite 200
P.O. Box 11467
Winston-Salem, NC 27116-1467
(Office) 336.631.5230 (Fax) 336.631.5210

From: [Tursell, Beth](#)
To: [Meares, Shannon R.](#)
Cc: [Shearin, Lisa R.](#)
Subject: RE: Our Faith Management Inc. d/b/a McDonald's (10-CA-118894)
Date: Wednesday, February 5, 2014 8:25:41 PM

Shannon -

Region 2 is coordinating the McDonalds cases. Please send the information to Geoff Dunham and Dave Leach. Once a decision has been made, no action should be taken on the case without Region 2's approval.

Beth

From: Meares, Shannon R.
Sent: Tuesday, February 04, 2014 2:26 PM
To: Tursell, Beth
Cc: Shearin, Lisa R.
Subject: Our Faith Management Inc. d/b/a McDonald's (10-CA-118894)

Beth:

Lisa and I were talking today and for some reason, I was under the impression that listing fast food restaurant cases as a hot topic sufficed for notice of new charges. I did not think we still had to send you emails. I believe (for the first time ever - ☺) I may have been wrong. I just want to let you know that the above charge was filed on 12/13/14 and is currently being investigated by Jasper Brown. It alleges unlawful interrogation and a constructive discharge. I anticipate a decision in the next week or so.

Sorry this slipped through the cracks.....

Shannon R. Meares, Supervisory Attorney
National Labor Relations Board
Subregion 11
4035 University Parkway, Suite 200
P.O. Box 11467
Winston-Salem, NC 27116-1467
(Office) 336.631.5230 (Fax) 336.631.5210

From: [Meares, Shannon R.](#)
To: [Dunham, Geoffrey](#); [Leach, David E.](#)
Cc: [Brown Jr., Jasper C.](#); [Shearin, Lisa R.](#)
Subject: Our Faith Management Inc. d/b/a McDonald's (10-CA-118894)
Date: Thursday, February 6, 2014 8:54:00 AM

Good Morning.

The above charge was filed in our office on 12/13/13 and is currently being investigated by attorney Jasper Brown. I am a new supervisor (if that means anything to you - ☺) and for some reason was under the impression that marking the charge as a "hot topic" notified the Region coordinating the case. Thus, I apologize for just now sending you notice of the charge. Ah...we live and learn.

The charge alleges that the ER constructively discharged an employee and unlawfully interrogated (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) pca/union activities. (b) (6), (b) (7)(C) participated in (b) (6), (b) (7)(C) fast food strikes in the Raleigh area. We are hoping to wrap up the investigation in the next week or so and will consult with you after making a Regional determination on the merits, but before communicating any decision to the parties.

Thank you.

Shannon R. Meares, Supervisory Attorney
National Labor Relations Board
Subregion 11
4035 University Parkway, Suite 200
P.O. Box 11467
Winston-Salem, NC 27116-1467
(Office) 336.631.5230 (Fax) 336.631.5210

From: [Wilson, Nancy](#)
To: [Meares, Shannon R.](#); [North, Jane P.](#)
Subject: RE: MCD's FIR
Date: Tuesday, February 25, 2014 2:37:12 PM

Shannon,

(b) (5) . Please send R-2 an email with a link to the FIR. Once we have R-2's agreement we can enter the determination in nxgen.

From: Meares, Shannon R.
Sent: Tuesday, February 25, 2014 2:00 PM
To: North, Jane P.; Wilson, Nancy
Subject: RE: MCD's FIR

Nancy.... I am done. I sent it to you through the approval process and placed the pink sheet in your inbox.

I need to get JCB to upload his phone log (handwritten). I will do that when he returns from lunch.

From: North, Jane P.
Sent: Tuesday, February 25, 2014 12:17 PM
To: Meares, Shannon R.; Wilson, Nancy
Cc: Shearin, Lisa R.
Subject: RE: MCD's FIR

I just added my comments – so when you've finished the overall edit, Shannon, it can go to Nancy.

Jane

Jane P. North, Officer in Charge
Subregion 11, National Labor Relations Board
PO Box 11467
Winston-Salem, NC 27116
(tel.) 336-631-5212
(fax) 336-631-5210

From: Meares, Shannon R.
Sent: Tuesday, February 25, 2014 10:39 AM
To: Wilson, Nancy
Cc: Shearin, Lisa R.; North, Jane P.
Subject: MCD's FIR

Nancy:

Lisa Shearin just helped me finish typing JCB's FIR. Very much appreciated. I am going to review and add a section for my comments. JCB also needs to review. Then I can put through. As I noted earlier, I have a (b) (6), in a little bit...I am going to give to JCB for review while I am gone. I hope to be back before 1 so Jane can add comments.

Jane – if you'd like, you can add your comments now/before you leave even if I haven't sent it through. Then I can send it directly to NW. I am going to work on revising a little and reorganizing since it is going to Region 2 for review.

Shannon R. Mearns, Supervisory Attorney
National Labor Relations Board
Subregion 11
4035 University Parkway, Suite 200
P.O. Box 11467
Winston-Salem, NC 27116-1467
(Office) 336.631.5230 (Fax) 336.631.5210

From: [Dunham, Geoffrey](#)
To: [Meares, Shannon R.](#); [Leach, David E.](#)
Cc: [Brown Jr., Jasper C.](#); [Wilson, Nancy](#); [North, Jane P.](#); [Fernbach, Karen P.](#)
Subject: RE: Our Faith Management Inc. d/b/a McDonald's (10-CA-118894)
Date: Tuesday, February 25, 2014 4:09:29 PM

Thank you, Shannon. We'll be back in touch as soon as we have an opportunity to review your decisional papers.

From: Meares, Shannon R.
Sent: Tuesday, February 25, 2014 4:08 PM
To: Dunham, Geoffrey; Leach, David E.
Cc: Brown Jr., Jasper C.; Wilson, Nancy; North, Jane P.
Subject: RE: Our Faith Management Inc. d/b/a McDonald's (10-CA-118894)

David and Geoff:

(b) (5) Here is the link to the
agenda minute: [FIR.10-CA-118894.Agenda Minute.docx](#)

Per the coordination memo, we have not shared our determination with the parties, as we are awaiting your input.

Thank you.

Shannon

From: Meares, Shannon R.
Sent: Thursday, February 06, 2014 8:54 AM
To: Dunham, Geoffrey; Leach, David E.
Cc: Brown Jr., Jasper C.; Shearin, Lisa R.
Subject: Our Faith Management Inc. d/b/a McDonald's (10-CA-118894)

Good Morning.

The above charge was filed in our office on 12/13/13 and is currently being investigated by attorney Jasper Brown. I am a new supervisor (if that means anything to you - ☺) and for some reason was under the impression that marking the charge as a "hot topic" notified the Region coordinating the case. Thus, I apologize for just now sending you notice of the charge. Ah...we live and learn.

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Thank you.

Shannon R. Mearns, Supervisory Attorney
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Subregion 11
4035 University Parkway, Suite 200
P.O. Box 11467
Winston-Salem, NC 27116-1467
(Office) 336.631.5230 (Fax) 336.631.5210

From: [Meares, Shannon R.](#)
To: [Dunham, Geoffrey](#)
Cc: [Leach, David E.](#); [Brown Jr., Jasper C.](#); [North, Jane P.](#); [Wilson, Nancy](#); [Bulls, Mary L.](#)
Subject: RE: Our Faith Management Inc. d/b/a McDonald's (10-CA-118894)
Date: Wednesday, March 5, 2014 3:12:00 PM

Thank you, Geoff.

From: Dunham, Geoffrey
Sent: Wednesday, March 05, 2014 1:59 PM
To: Meares, Shannon R.
Cc: Leach, David E.
Subject: FW: Our Faith Management Inc. d/b/a McDonald's (10-CA-118894)

Shannon, you are authorized to implement your region's decision in the above case. Thanks, Geoff

From: Fernbach, Karen P.
Sent: Wednesday, March 05, 2014 1:51 PM
To: Leach, David E.; Dunham, Geoffrey
Cc: Kearney, Barry J.
Subject: RE: Our Faith Management Inc. d/b/a McDonald's (10-CA-118894)

I agree and (b) (5).

From: Leach, David E.
Sent: Wednesday, March 05, 2014 1:29 PM
To: Dunham, Geoffrey; Fernbach, Karen P.
Subject: RE: Our Faith Management Inc. d/b/a McDonald's (10-CA-118894)

Karen: I agree. There is nothing in the Region's decision that needs to be reviewed any further. Dave

From: Dunham, Geoffrey
Sent: Tuesday, March 04, 2014 4:10 PM
To: Fernbach, Karen P.; Leach, David E.
Subject: FW: Our Faith Management Inc. d/b/a McDonald's (10-CA-118894)

Karen/Dave, (b) (5).

[Interrogation:](#) (b) (5)

[Closer Supervision:](#) (b) (5)

[Second Interrogation:](#) (b) (5)

[Constructive Discharge:](#) (b) (5)

From: Meares, Shannon R.

Sent: Tuesday, February 25, 2014 4:08 PM
To: Dunham, Geoffrey; Leach, David E.
Cc: Brown Jr., Jasper C.; Wilson, Nancy; North, Jane P.
Subject: RE: Our Faith Management Inc. d/b/a McDonald's (10-CA-118894)

David and Geoff:

(b) (5) Here is the link to the
agenda minute: [FIR.10-CA-118894.Agenda Minute.docx](#)

Per the coordination memo, we have not shared our determination with the parties, as we are awaiting your input.

Thank you.

Shannon

From: Meares, Shannon R.
Sent: Thursday, February 06, 2014 8:54 AM
To: Dunham, Geoffrey; Leach, David E.
Cc: Brown Jr., Jasper C.; Shearin, Lisa R.
Subject: Our Faith Management Inc. d/b/a McDonald's (10-CA-118894)

Good Morning.

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Thank you.

Shannon R. Meares, Supervisory Attorney
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Winston-Salem, NC 27116-1467

(Office) 336.631.5230 (Fax) 336.631.5210

①

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10-CA-118894

Our Faith Management d/b/a
McDonalds

1. 12-16-13 - Talked to CP ATTY Lauren Bond about case re witnesses 202-730 7149
2. 1-6-14 - spoke to atty Bond about scheduling witness
3. 12-23-13 - ATTY Bond - Alcorn - on about case facts & witnesses
4. (b) (6), (b) (7)(C) 14 - Met with CP witnesses
(b) (6), (b) (7)(C)
5. (b) (6), (b) (7)(C) 13 - Took AFF from (b) (6), (b) (7)(C), (b) (7)(D)
(b) (6), (b) (7)(C), (b) (7)(D) at Union hall
6. (b) (6), (b) (7)(C) 13 - Took AFF from (b) (6), (b) (7)(C), (b) (7)(D)
(b) (6), (b) (7)(C), (b) (7)(D)
7. (b) (6), (b) (7)(C) 13 Talked to (b) (6), (b) (7)(C)
(b) (5), (b) (6), (b) (7)(C)
8. (b) (6), (b) (7)(C) 14 Took AFF of (b) (6), (b) (7)(C), (b) (7)(D)
(b) (6), (b) (7)(C)
9. 2-12-14 - Talked to MCD's ATTY John Linares
10. 2-19-14 - Talked to N.C. secretary of State about ownership status of "For H. Foods, Inc"
11. 2-19-14 - Agenda, Wilson, Roth, Meera & CP

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OVR Faith Management Inc. O/B/A
McDonald's + McDonalds Corp. as
Joint And Single Employer.

Case 10-CA-118894

1. 3-5-14 - Called ATT Lauren Bonds
2. March 11, 2014, ATT Lauren Bonds
told me in a phone conversation
that the Union wished to
Withdraw the Charge.
3. March 11, 2014 I called En atty
Brandon Shelton and informed
him that the Union had agreed
to Withdraw the Charge in this
matter.

JCBH



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210

March 13, 2014

Doreen S. Davis, Esq.
Jones Day
222 E 41st St
New York, NY 10017-6739

Jonathan M Linas, Esq.,
Jones Day
77 W Wacker Dr., 5th Floor
Chicago, IL 60601

Brandon M. Shelton, Esq.
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.P.
201 S College St Ste 2300
Charlotte, NC 28244-0007


Re: Our Faith Management Inc. D/B/A
McDonald's & McDonald's Corp. As Joint
And Single Employers
Case 10-CA-118894

Dear Ms. Davis, Mr. Linas, Mr. Shelton:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Claude T. Harrell Jr.
Regional Director

By: 
Jane P. North
Officer in Charge

cc: Lauren Bonds, Esq.
1800 Massachusetts Avenue, NW
Washington, DC 20036

Carolina Workers Organizing Committee
324 S. Wilmington #207
Raleigh, NC 27601

(b) (6), (b) (7)(C)

Our Faith Management Inc. D/B/A
McDonald's & McDonald's Corp. As Joint
And Single Employers
3424 Poole Rd
Raleigh, NC 27610

(b) (6), (b) (7)(C)

Our Faith Management Inc. D/B/A
McDonald's & McDonald's Corp. As Joint
And Single Employers
2111 Mcdonald's Drive
Oak Brook, IL 60523